

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|   |   |                 |
|---|---|-----------------|
| APPLICATION OF PREMIERE COMMUNICATIONS, | ) |                 |
| INC. TO OPERATE AS A RESELLER OF        | ) |                 |
| INTEREXCHANGE TELECOMMUNICATION         | ) | CASE NO. 92-078 |
| SERVICES AND PROVIDER OF OPERATOR       | ) |                 |
| SERVICES WITHIN THE COMMONWEALTH OF     | ) |                 |
| KENTUCKY                                | ) |                 |

O R D E R

IT IS ORDERED that Premiere Communications, Inc. ("Premiere Communications") shall file the original and ten copies of the following information with the Commission. Each copy of the information requested should be placed in a bound volume with each item tabbed.

The information requested herein is due no later than 30 days from the date of this Order. If the information cannot be provided by this date, Premiere Communications should submit a motion for an extension of time stating the reason a delay is necessary and include a date by which it can be furnished. Such motion will be considered by the Commission.

1. Has Premiere Communications ever provided and/or collected any money from the public for the provision of intrastate telecommunications services in the Commonwealth of Kentucky? If so, explain in detail.

2. Does Premiere Communications, or any affiliate, own and/or operate any transmission facilities in any jurisdiction?

3. Identify the carriers whose services Premiere Communications intends to resell.

4. Does Premiere Communications intend to provide alternate operator service consistent with each of the items enumerated in Appendix A, attached hereto and incorporated herein? Provide revised tariff sheets that reflect each item.

5. Does Premiere Communications intend to be associated in any way with the provision of payphone service?

6. 807 KAR 5:011, Section 5, requires that all tariffs must bear in the upper right hand corner of the cover page and each succeeding page of the tariff the Commission number thereof. Provide revised tariff sheets.

7. Section 2.4.2 of the proposed tariff refers to subscriber compliance with FCC Rules, 47 C.F.R. Part 68. Provide a revised tariff sheet clarifying subscriber responsibility under FCC Rule 47 C.F.R. Part 68.

8. Sections 2.3 and 2.4 of the proposed tariff set forth limitations of liability including damages and expenses which might be incurred by the company, such as attorneys' fees, court costs, cost of paralegals and other investigative and legal personnel, that are within the purview of the courts. Provide revised tariff sheets adding the following language after Section 2.4:

Acceptance by the Commission of the liability provisions contained in this tariff does not constitute its determination that the limitation of liability imposed by the company should be upheld in a court of law, but the recognition that, as it is the duty of the courts to adjudicate negligence claims and rights to recover

damages therefor, so it is the duty of the courts to determine the validity of the exculpatory provisions of this tariff.

9. The last line of Section 2.5.6 should be changed to read "penalty" rather than "interest."

10. Provide revised tariff sheet(s) for Section 2.6.1 setting forth the notice requirements for termination or denial of service in compliance with 807 KAR 5:006, Section 14.

11. Section 2.6.2 states Premiere Communications "reserves the right" to refuse or limit service under certain conditions. Provide a revised tariff sheet showing that Premiere Communications will not accept calling cards for billing purposes if it is unable to validate the card.

12. Provide revised tariff sheets describing the intraLATA services referred to in Sections 3.3 and 4.2, which Premiere Communications proposes to offer.

13. The title line of Section 4.2.2 should be corrected to read "intraLATA" rather than "interLATA."

Done at Frankfort, Kentucky, this 22nd day of May, 1992.

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director, Acting

## APPENDIX A

### APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 92-078 DATED 5/22/92

Conditions of Service for the Provision of Operator Services Adopted from Commission Orders in Administrative Case No. 330, Orders Dated March 27, 1991 and May 3, 1991.

(1) Operator-assisted services shall be subject to rate regulation and rates shall not exceed AT&T Communications of the South Central States, Inc.'s ("AT&T") maximum approved rates. "Maximum approved rates" is defined to mean the rates approved by this Commission in AT&T's most recent rate proceeding for measured toll service applicable to operator-assisted calls, as well as the additional charges for operator assistance. Carriers are not permitted to include any other surcharges or to bill for uncompleted calls. Time-of-day discounts shall also be applicable. Carriers are also required to rate calls using the same basis that AT&T uses to rate calls, i.e., distance calculations based on points-of-call origination and termination, definitions of chargeable times, billing unit increments, rounding of fractional units, and minimum usages. When there is any change in AT&T's maximum approved rates, carriers shall file tariffs if necessary to comply with the requirements herein within 30 days of the effective date of AT&T's rate change.

(2) Except as otherwise indicated in this Order, non-dominant carriers shall be subject to regulation as delineated in the May 25, 1984 Order in Administrative Case No. 273 as well as any subsequent modifications to non-dominant carrier regulations. In the event of

conflict, the terms of the instant Order shall take precedence, unless a carrier is specifically relieved from compliance with any conditions contained herein. AT&T shall remain subject to regulatory oversight as a dominant carrier.

(3) Operator service providers that provide service to traffic aggregators shall not allow access to the operator services of competing carriers to be blocked or intercepted. Blocking and interception prohibitions shall be included in tariffs and all contracts entered into with any traffic aggregator and shall state that violators will be subject to immediate termination of service after 20 days' notice to the owners of non-complying customer premises equipment.

(4) Traffic aggregator is defined to mean any person that, in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises for intrastate telephone calls using a provider of operator services. Aggregators include hotels and motels, hospitals, universities, airports, gas stations, and non-local exchange carrier pay telephone owners. This definition includes the provision of all non-local exchange carrier pay telephones even if no compensation is paid to the owner of the pay telephone. The residential use of operator services is specifically excluded from this definition.

(5) Access to the local exchange carriers' operators shall not be blocked or otherwise intercepted by traffic aggregators. Specifically, all "0-" calls, that is, when an end-user dials zero without any following digits, shall be directed to the local exchange carrier operators. In equal access areas, "0+" intraLATA

calls, that is, when an end-user dials zero and then dials the digits of the called telephone number, shall not be intercepted or blocked. In non-equal access areas, it is prohibited to block or intercept "0-" calls; however, it is permissible to intercept "0+" calls. Blocking and interception prohibitions shall be included in tariffs and all contracts entered into with any traffic aggregator and shall state that violators will be subject to immediate termination of service after 20 days' notice to the owners of non-complying customer premises equipment.

(6) Carriers shall not be required to provide access codes of competitors. Each carrier should advise its own customers as to the appropriate 10XXX access code.

(7) Carriers shall provide tent cards and stickers to traffic aggregators to be placed near or on telephone equipment used to access their services and shall include provisions in tariffs and contracts entered into with any traffic aggregator that subject violators to immediate termination of service after 20 days' notice to the owners of non-complying customer premises equipment.

(8) Operators shall identify the carrier at least once during every call before any charges are incurred.

(9) Operators shall provide an indication of the carrier's rates to any caller upon request.

(10) Carriers shall not accept calling cards for billing purposes if they are unable to validate the card.